

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion into the programs, practices and policies related to implementation of the California Environmental Quality Act as it applies to jurisdictional telecommunications utilities.

Rulemaking 00-02-003

**MOTION TO INTERVENE
OF THE DIVISION OF RATEPAYER ADVOCATES**

In accordance with Rule 45 of the California Public Utilities Commission's (Commission's) Rules of Practice and Procedure, the Division of Ratepayer Advocates (DRA) respectfully seeks to intervene in this proceeding as an active party.

After almost a year of inactivity in this proceeding,¹ Assigned Commissioner Brown recently issued a ruling seeking comment on a proposal for improving the Commission's review process under California Environmental Quality Act (CEQA) with regard to telecommunications companies (Ruling).² Several parties filed initial Comments on May 12, 2006. In light of the resuscitation of this proceeding and its importance for the dwindling facilities-based competitors that are in the market, or may currently enter the market, DRA now seeks to file reply comments pursuant to the Ruling³ and to participate in future aspects of this proceeding.

DRA's intervention at this time should not prejudice other parties or delay the

¹ Substantive activity in this longstanding proceeding has been intermittent since it was first opened in February 2000.

² Assigned Commissioner's Ruling Requesting Comments (April 26, 2006).

schedule. DRA's statutory mission is to represent the interests of "public utility customers and subscribers within the jurisdiction of the commission."⁴ Inasmuch as competition in the telecommunications market is expected to provide consumer benefits, particularly facilities-based competition, DRA seeks to facilitate the development of an environmental review process within the Commission that is both streamlined and consistent with CEQA. In pursuing its mission, DRA accepts the record in this proceeding as it has been developed, and does not seek to broaden the issues in the case. For example, with regard to its proposed Reply Comments, DRA anticipates, at this time, that it will only address issues that they have already been raised in parties' initial Comments (as is appropriate for Reply Comments).⁵

For the reasons stated above, DRA respectfully asks that the Commission allow DRA to intervene in this proceeding as an active party.

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³ DRA is also filing a concurrent Motion to Accept Late-Filed Comments.

⁴ Public Utilities Code Sec. 309.5(a).

⁵ DRA notes that its proposed Reply Comments, while late-filed, have been prepared without access to any Reply Comments that parties may have filed on May 19, 2006.

Respectfully submitted,

/s/ Natalie D. Wales

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Dated: May 22, 2006

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document
**“MOTION TO INTERVENE OF THE DIVISION OF RATEPAYER
ADVOCATES”** in **R.00-02-003** by using the following service:.

[] **E-Mail Service:** sending the entire document as an attachment to all known parties of record who provided electronic mail addresses.

[x] **U.S. Mail Service:** mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Executed in San Francisco, California, on the **22nd** day of **May 2006**.

/s/ Halina Marcinkowski

Halina Marcinkowski

N O T I C E

Parties should notify the Process Office, Public Utilities
Commission, 505 Van Ness Avenue, Room 2000, San Francisco,
CA 94102, of any change of address and/or e-mail address to
insure that they continue to receive documents. You must indicate
the proceeding number on the service list on which your name
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